



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19508 of 2019

and

W.M.P (MD) .Nos.15955, 15956 and 15957 of 2019

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K.Subbiah

.. Petitioner

-Vs-

1.State of Tamil Nadu

Represented by its Principal Secretary to Government
Department of Higher Education
Secretariat
Chennai -9

2.The Secretary

Department of Personnel and
Administrative Reforms (M) Department
Secretariat
Chennai -9

3.Teachers Recruitment Board

Represented by its Chairman
4th Floor, EVK Sampath Maaligai
DPI Campus, College Road
Chennai 600 006

4.The Registrar

Bharathidasan University
Trichy 620 024

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call the records pertaining to the Impugned Notification in Notification No.12/2019, dated 28.08.2019 on the file of the respondent No.3 in so far as Clause 7 insisting the candidates to obtain equivalence of the subject prior to the last date of submission of online application form is concerned and quash the same as illegal and consequently for a direction, directing the respondent No.3 to permit the petitioner to participate in the District Recruitment for the post of Assistant Professor in Statistics subject within the time period stipulated by this Court.

For Petitioner: Mr.T.Lajapathiroy

For R1 to R3 : Mr.V.R.Shanmuganathan

Special Government Pleader



ORDER

This Writ Petition has been filed challenging the portion of Notification of the third respondent, dated 28.08.2019.

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2. Heard Mr.T.Lajapathiroy, learned counsel appearing for the petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3.

3. The third respondent issued a Notification, calling for application for appointment to the post of Assistant Professor in Statistics. The petitioner has completed the post graduate Degree in M.Sc.(Statistics and Informatics) in the year 2003-2005 and also completed M.Phil and Ph.D in Statistics. The Degree of M.Sc.(Statistics and Informatics) obtained by the petitioner is equivalent to M.Sc (Statistics). The Government by its G.O.Ms.No.92, Finance Department, dated 17.03.2011 and G.O.Ms.No.106, dated 16.08.2017, declared that the candidates with qualification in M.Sc.(Statistics and Informatics) awarded by the Bharathidasan University are eligible to be appointed to the post of Assistant/Assistant Section Officer in the Finance Department in the Tamil Nadu Secretariat Service and to the post of Senior Research Assistant in the office of the Tamil Nadu Public Service Commission. The Government did not declare that the said Degree is equivalent to M.Sc.Statistics for appointment to all recruitments. Hence, the petitioner gave a representation, dated 17.06.2019, requesting to clarify that M.Sc.(Statistics and Informatics) awarded by Bharathidasan University is equivalent to M.Sc.(Statistics) for the post of Assistant Professor in Colleges and Universities by extending the benefit of Government Order in G.O(Ms).No.106 Personnel and Administrative Reforms (M) Department, dated 16.08.2017. But the first respondent has not passed any order. Hence, the petitioner filed W.P(MD).No.15821 of 2019 for a direction, directing the Government to clarify that M.Sc.(Statistics and Informatics) awarded by Bharathidasan University is equivalent to M.Sc.(Statistics) for the post of Assistant Professor in Colleges and Universities by extending the benefit of Government Order in G.O (Ms).No.106 Personnel and Administrative Reforms (M) Department, dated 16.08.2017. After hearing the matter, this Court by order, dated 01.08.2019, directed the first respondent to forward the representation of the petitioner, dated 17.06.2019 to the Equivalence Committee and after obtaining report from the said Committee, the first respondent was directed to pass orders within a period of four months from the date of report from the Equivalence Committee. While so, the third respondent issued an Impugned Notification and imposed a condition that a candidate claims his/her subject is equivalent to one of the subject notified and it is the responsibility of the candidate and the institution in which the candidate obtained degree to get equivalence of subject by way of



G.O. from the Higher Education Department. Any said G.O shall be prior to the last date of the online application form, otherwise the candidates are not eligible for recruitment for the particular subject.

4.The learned counsel appearing for the petitioner contended that the Government by G.O.Ms.No.92 Finance Department, dated 17.03.2011 and G.O.Ms.No.106 Personnel and Administrative Reforms (M) Department, dated 16.08.2017 based on resolution of the Equivalence Committee has already declared that the candidates with M.Sc (Statistics and Informatics) awarded by Bharathidasan University are eligible to be appointed for the post of Assistant / Assistant Section Officer in the Finance Department in Tamil Nadu Secretariat Service and for the post of Senior Research Assistant in the office of Tamil Nadu Public Service Commission.

5.The issue whether M.Sc (Statistics and Informatics) is equivalent to M.Sc (Statistics) is pending before the Equivalence Committee and the first respondent and this Court directed the first respondent to pass appropriate orders, after receiving the report from the Equivalence Committee, within a period of four months. In view of the fact that this issue is pending before the Equivalence Committee and this Court by order dated 01.08.2019 has directed the first respondent to pass an appropriate order within a period of four months. The first respondent is directed to permit the petitioner to participate in the selection process for appointment to the post of Assistant Professor in Statistics. If the petitioner is selected, the third respondent is directed to select only on the permission of the Government order declaring that M.Sc.(Statistics and Informatics) is equivalent to M.Sc. (Statistics). If the petitioner is selected, he is permitted to produce the Equivalence Certificate, at the time of certificate verification. If Equivalence Certificate is produced before the third respondent, the third respondent is directed to issue an order, if she is otherwise qualified.

6.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are allowed.

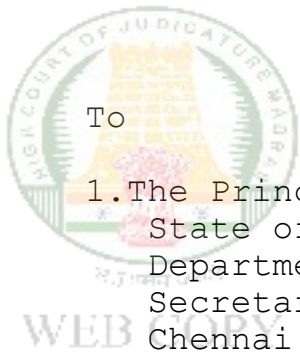
Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

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To

1.The Principal Secretary to Government
State of Tamil Nadu
Department of Higher Education
Secretariat
Chennai -9

2.The Secretary
Department of Personnel and
Administrative Reforms (M) Department
Secretariat
Chennai -9

3. The Chairman,
Teachers Recruitment Board
4th Floor, EVK Sampath Maaligai
DPI Campus, College Road
Chennai 600 006

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-94217[F] dated
24/10/2019)

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